



AP/2121

PATENT
Attorney Docket N° 99-1228 (P1546US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

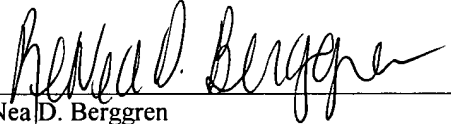
In re Application of : Brandon A. Grooters
Serial N° : 09/461,822
Filed : December 15, 1999
Group Art Unit : 2121
Examiner : Pham, Thomas K.
For : METHOD AND APPARATUS FOR LAUNCHING
APPLICATIONS BASED UPON ELECTRONIC PROGRAM
GUIDE DATA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on October 6, 2004, in a First Class envelope, with sufficient postage thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


ReNea D. Berggren

DATED: October 6, 2004

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed June 7, 2004 finally rejecting claims 1-4, 6-10, 12-20, and 22-27.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

- ☒ other than a small entity;
☐ small entity.

Verified Statement:

- ☐ attached ☐ already filed on _____

10/14/2004 HGUITEM1 00000006 500439 09461822
01 FC:1401 340.00 DA

10/13/2004 HGUITEM1 00000021 500439 09461822
01 FC:1402 340.00 DA

Adjustment date: 10/14/2004 HGUITEM1
10/13/2004 HGUITEM1 00000021 500439 09461822
01 FC:1402 340.00 CR

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. §1.17(e) the fee for filing the Notice of Appeal is:

- | | | |
|-------------------------------------|---------------------------|----------|
| <input type="checkbox"/> | small entity | \$170.00 |
| <input checked="" type="checkbox"/> | other than a small entity | \$340.00 |

Notice of Appeal fee: \$340.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)-(d)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/>	one month	\$110.00	\$55.00
<input type="checkbox"/>	two months	\$430.00	\$215.00
<input type="checkbox"/>	three months	\$980.00	\$490.00
<input type="checkbox"/>	four months	\$1,530.00	\$765.00

Extension Fee: \$110.00

If an additional extension of time is required please consider this a petition therefor.

- ☐ An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request: \$_____

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is

Notice of Appeal fee \$ 340.00.

Extension fee (if any) \$ 110.00.

TOTAL FEE DUE: \$ 450.00

5. FEE PAYMENT


Please charge Deposit Account N^o **50-0439** the sum of **\$450.00**. A duplicate of this *Transmittal* is attached for accounting purposes. If any additional extension and/or fee is required, please charge Deposit Account N^o 50-0439. If any additional fee for claims is required, please charge Deposit Account N^o 50-0439.

Please direct all correspondence to: **CUSTOMER NO. 32709**
SEAN PATRICK SUITER
SUITER • WEST PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299
(402) 496-0300 (TELEPHONE)
(402) 496-0333 (TELECOPIER)

DATE: October 6, 2004.

Respectfully submitted,

Gateway, Inc.,

By 
Nathan T. Grebasch
Reg. N^o 48,600

- ATTACHMENTS:
1. A copy of this *Transmittal* for accounting purposes.
 2. *Petition for One Month Extension*, including authorization to charge fees to Deposit Account and copy for accounting purposes.
 3. Return postcards.